

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

The Estate of RANDI SHAVONNE
KIRKLAND, by and through Special
Administrator, VIRGINIA KIRKLAND,

Plaintiff,

v.

HT GLOBAL IT SOLUTIONS HOLDINGS
LIMITED, et al.,

Defendants.

Case No. 19-cv-411-RAW

**DEFENDANTS' EAN HOLDINGS, LLC's AND VANGUARD CAR RENTAL USA,
LLC'S RESPONSE TO PLAINTIFF'S MOTION TO DISMISS SPECIFIED
DEFENDANTS WITHOUT PREJUDICE**

Defendants EAN Holdings, LLC, d/b/a National Car Rental ("EAN"), and Vanguard Car Rental USA, LLC ("Vanguard") submit this Response to Plaintiff's Motion to Dismiss Specified Defendants without Prejudice.

1. Defendants EAN and Vanguard state that they have no objection to dismissal without prejudice of the Hexaware related entities (numbered 1-10 in Plaintiff's Motion) and have no objection to dismissal of "National Car Rental" (number 12 in Plaintiff's Motion). "National Car Rental" is only a tradename d/b/a operated by EAN and is not a business entity.

2. Defendant EAN and Vanguard (numbered 11 and 13 respectively) do object to Plaintiff's Motion to Dismiss *without prejudice* EAN and Vanguard. EAN and Vanguard instead prefer and request that the Court dismiss EAN and Vanguard *with prejudice* pursuant to EAN's and Vanguard's pending Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(6) (Doc.26).

a. Plaintiff correctly states in her Motion that the undersigned advised Plaintiff's counsel that there was no objection to dismissal without prejudice of Vanguard and the tradename "National Car Rental." Authority for the same was obtained from

EAN and Vanguard prior to filing of the Amended Complaint and subsequent pending Motion to Dismiss. The undersigned has bene advised that EAN and Vanguard do now object to dismissal *without prejudice* of both EAN and Vanguard. EAN and Vanguard request dismissal *with prejudice* of the claims against them pursuant to their Pending Motion (Doc.26).

Respectfully Submitted,

CONNER & WINTERS, LLP



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*Attorneys for Defendants, EAN Holdings, LLC and
Vanguard Car Rental USA, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January 2020, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

John Branum
Sterling E. Pratt
Jimmy D. Speed

A handwritten signature in cursive script, reading "Rob James", written in black ink.

Robert D. James